

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA (Columbia)

IN RE:

Harold C. Blackwell, Jr.

DEBTOR(S)

CASE NO: 17-03910-dd

CHAPTER: 13

CONSENT ORDER RESOLVING OBJECTION
TO DEBTOR'S CHAPTER 13 PLAN

This matter comes before the Court on the Objection to Confirmation of Plan filed by Ditech Financial LLC, ("Ditech"). The parties have reached a settlement of this matter, the terms of which they wish to be incorporated in an order of the Court. Movant has waived any claim arising under 11 U.S.C. § 503(b) or § 507(b) and, in the event relief from the automatic stay is granted due to Debtor's default under the terms of this Order, agreed that any funds realized from the disposition of its collateral in excess of all liens, costs, and expenses will be paid to the trustee or bankruptcy estate. Therefore, upon consent of agreement of the parties,

IT IS HEREBY ORDERED:

1. Debtor will file a Motion for Loss Mitigation/Mediation to allow the Debtor and Ditech to engage in and complete any loss mitigation related to the property located at 113 Holly Leaf Ln, Lexington, SC 29072-7489 County of Lexington, ("Property"), within 30 days of the initial Confirmation Hearing, October 2, 2017.

2. While pursuing loss mitigation options regarding the subject mortgage loan, Debtor agrees to submit contractual payments directly to Ditech for adequate protection in the monthly amount of \$1,807.46 beginning October 18, 2017 and continuing on the 18th of each month thereafter until the parties enter into a Trial Plan or other loan modification agreement or Ditech issues a notice of denial of loss mitigation.

3. The following shall be considered terms of default:

- a. Debtor's failure to make an aforementioned adequate protection payment within 20 days from its due date.
- b. Debtor's failure to submit a complete loan modification application to Movant by November 1, 2017.
- c. Ditech's denial of Debtor's mortgage modification application.

4. In the event of a default under the terms of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court. Movant may then proceed with its state court remedies against the Property, including sending any required notice to Debtor. This *ex parte* provision shall expire and no longer be effective 24 months from the entry of this order.

AND IT IS SO ORDERED.

FILED BY THE COURT
10/05/2017



Entered: 10/05/2017

David R. Duncan
Chief US Bankruptcy Judge
District of South Carolina

WE SO CONSENT:

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